

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

GARY D. HODGES  
VS. CIVIL ACTION NO. 5:23-cv-36-DCB-ASH  
JAMES BRUMFIELD, et al. DEFENDANTS

ORDER ADOPTING REPORT & RECOMMENDATION

This MATTER is before the Court on Magistrate Judge Harris's Report and Recommendation ("Report") [ECF No. 44]. The Report was entered on August 12, 2024, and objections to it were due by August 26, 2024. Neither party has filed an objection, and the time to do so has elapsed.

Judge Harris recommends that the matter be dismissed without prejudice for Gary D. Hodges's ("Plaintiff")'s failure to prosecute this matter. [ECF No. 44] at 4. Judge Harris notes that Plaintiff's last action in this case was when he filed a Notice of Change of Address [ECF No. 25] on January 9, 2024. [ECF No. 44] at 3. The Court has notified—and warned—Hodges on at least seven occasions that his failure to comply with a court order or his failure to supply a current address could result in the dismissal of this case. See [ECF Nos. 15, 13, 11, 9, 6, 3]; Notice of Assignment [1-1]. Still, Plaintiff has failed to comply with the

Court's order and has not filed a notice of his current address. [ECF No. 44] at 2. Accordingly, Judge Harris determined that Plaintiff no longer displays an interest in pursuing his claims any further.

Where no party has objected to a Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Where there are no objections, the Court applies the "clearly erroneous, abuse of discretion and contrary to law" standard of review to the Report. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

After conducting a de novo review of the Report, the Court agrees with Judge Harris's recommendation. Accordingly, the Report is ADOPTED and Plaintiff's Complaint is hereby DISMISSED WITHOUT PREJUDICE.

A Final Judgment shall be entered of even date herewith pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this 23rd day of September, 2024.

/s/ David Bramlette  
DAVID C. BRAMLETTE  
UNITED STATES DISTRICT JUDGE